GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - MA&UD Department - Allegations of certain irregularities committed in Town Planning matter in Kavali Municipality – Disciplinary action initiated against Sri G.C.Penchalaiah, the then Municipal Commissioner (Retired), Kavali Municipality under Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of Charges issued - Enquiry conducted – Charges held 'not proved' – Further action dropped - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 674 **Dated: 22-10-2019.**

Read the following:

1) From the C&DMA., A.P., Hyderabad, Letter Roc.No.21252/2008/C2, dated.16.12.2009.
2) G.O.Rt.No.307, MA&UD (L1) Department, dated.28.02.2011.
3) Written Statement of Defence of Sri G.C.Penchalaiah, the then Municipal Commissioner, Kavali, dated. Nil received through the C&DMA., A.P., Hyderabad, Lr.Roc.No.21252/2008/C2, dated.10.08.2011.
4) G.O.Rt.No.549, MA&UD (Vig.II) Department, dated.31.08.2016.
5) G.O.Rt.No.550, MA&UD (Vig.II) Department, dated.31.08.2016.
6) Enquiry Report of Sri G.Nagaraju, Regional Director cum Appellate Commissioner of Municipal Administration & Enquiry Officer, Rajamahendravaram, Letter Roc.No.571/2016 /A3, dated.01.05.2019.

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Whereas, in the reference 1st read above, based on the report of the Regional Director cum Appellate Commissioner of Municipal Administration, Guntur in respect of the allegations leveled against the then Municipal Commissioner and the then TPBO relating to sanction of irregular permissions in Kavali Municipality, the C&DMA., A.P., Hyderabad has recommended to initiate disciplinary proceedings against the then Municipal Commissioner and the then TPBO of Kavali Municipality.

2. Whereas, in the reference 2nd read above, Government have initiated disciplinary proceedings against Sri G.C.Penchalaiah, the then Municipal Commissioner, Kavali Municipality duly framing following articles of charges, directing him to submit his written statement of defence thereon;

Charge No.1: That he failed to inspect the construction of apartment and failed to ensure building construction as per approved plans. He has also failed in controlling the illegal construction of additional floors, covering of stilt floor and set back deviations in violation of approved plans.

Charge No.2: That he has failed to make mandatory inspections of the building under construction and in taking penal action as per the provisions of the Act and to stop or demolish the construction of the deviated portions.

Charge No.3: That on account of the above mentioned omissions and commissions, he has exhibited lack of integrity, devotion and dedication of

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duty and also exhibited his carelessness and negligence attitude and indulgence in the activities which are unbecoming of an employee of an institution, thereby contravened Rule 3 of APCS (Conduct) Rules, 1964.

3. Whereas, in the reference 3rd read above, the charged officer has submitted his written statement of defence and while denying the charges framed against him, he has requested to drop further action.

4. Whereas, Government considered the written statement of defence submitted by the charged officer and found it not convincing, and accordingly the Government have issued orders vide reference 4th & 5th read above, appointing the Regional Director cum Appellate Commissioner of Municipal Administration, Rajahmundry as an Enquiry Officer and the Municipal Commissioner, Kavali Municipality, SPSR Nellore District as Presenting Officer respectively, to enquire into the charges framed against both the charged officers Sri G.C.Penchalaiah, the then Municipal Commissioner (Retired) and Sri K.Srinivasa Rao, the then TPBO, Kavali Municipality under Rule 20 of A.P. Civil Services (CCA) Rules, 1991 and to submit the report of enquiry to Government.

5. Whereas, in the reference 6th read above, Sri G.Nagaraju, Regional Director cum Appellate Commissioner of Municipal Administration & Enquiry Officer, Rajamahendravaram has submitted his enquiry report stating that, without the technical remarks of Town Planning staff, the Municipal Commissioner cannot arrive at conclusion about building deviations and he cannot issue notices by simply seeing the constructions and as such the allegation that the charged officer failed to inspect the buildings does not arise. Finally he has concluded that, all the three charges framed against Sri G.C.Penchalaiah, the then Municipal Commissioner, Kavali Municipality were held 'not proved' in the enquiry.

6. Whereas, Government after careful and detailed examination of the matter, have decided to accept the findings of the Enquiry Officer and to drop further action against Sri G.C.Penchalaiah, the then Municipal Commissioner (Retired), Kavali Municipality, since the charges framed against him were held 'not proved' in the enquiry.

7. Now, therefore, Government hereby order to drop further action against Sri G.C.Penchalaiah, the then Municipal Commissioner (Retired), Kavali Municipality, since the charges framed against him were held 'not proved' in the enquiry conducted in accordance with the procedure laid down under Rule 20 of APCS (CCA) Rules, 1991.

8. The Director of Municipal Administration, A.P., Guntur shall take further necessary action in the matter, accordingly.

9. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
Sri G.C.Penchalaiah, the then Municipal Commissioner (Retired),
Kavali Municipality - **through** the C&DMA., A.P., Guntur.

(Contd...3)

The Commissioner & Director of Municipal Administration, A.P., Guntur.

Copy to:

The Municipal Commissioner, Kavali Municipality, SPSR Nellore District.
The Principal Accountant General (A&G), A.P., Vijayawada.
The Regional Director-cum Appellate Commissioner of Municipal Administration, Guntur, Guntur District.
The Regional Director-cum Appellate Commissioner of Municipal Administration, Rajamahendravaram, East Godavari District.
SF / SC.

// FORWARDED BY ORDER //

SECTION OFFICER.